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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/606,219

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EXAMINER

JONES, HEATHER RAE

ART UNIT

PAPER NUMBER

2621

NOTIFICATION DATE

DELIVERY MODE

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ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentmail@whda.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/606,219	<b>Applicant(s)</b> MORIKAWA, SHIGEKAZU	
	<b>Examiner</b> HEATHER R. JONES	<b>Art Unit</b> 2621	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 16-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed September 25, 2009 have been fully considered but they are not persuasive.

The Applicant argues that Walsh et al. in view of Itokawa in view of Vetro fail to disclose a determiner that determines whether or not the decoding process in the high image quality mode has been completed and setting the low image quality mode in the decoder. The Examiner respectfully disagrees. Itokawa discloses a determiner for determining whether or not a decoding process of the encoded image components for one frame in the high quality image mode is completed by said decoder when the plurality of encoded image components equal to the compressed still images for a next frame are received by said receiver (Fig. 2 - step S204; col. 10, lines 22-63 – maximum decoding time for each frame is based on the time till the reception of next frame; col. 11, lines 16-26). Furthermore, once it is determined that the high quality image data can not be decoded in the given amount of time then the decoder is switched to the low image quality (Fig. 2; col. 10, lines 22-63; col. 11, lines 16-26 – a lower quality image is displayed when there is not enough time to fully decode the whole image meaning that the higher frequency components are left undecoded). Therefore, Itokawa meets the claimed limitations and the rejection is maintained.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh et al. (U.S. Patent 5,952,943) in view of Itokawa (U.S. Patent 7,072,404).

Regarding claim **16**, Walsh et al. discloses a moving image reproducing apparatus that reproduces in a high image quality mode or a low image quality mode a moving image constituted by frame-sequential compressed still images, each of the compressed still images including a plurality of encoded image components formed by encoding the compressed still image for each frequency component, comprising: a receiver (210) for frame-sequentially receiving the plurality of encoded image components (Fig. 2); a decoder which decodes, in the order of a lower frequency, the plurality of encoded image components received by the receiver (Figs. 8 and 9); determining the decoding amount is within a specified amount of time (the amount of time it takes to receive the next frame) (Fig. 9 – memory for next frame (912) - once the decoder stores the band it knows that this frame is done and can proceed to the next frame); a controller for controlling a decoding amount in the decoding process of the encoded image components for one frame when its that the decoding process has not been completed in a specified amount of time (Fig. 10 - steps 1010-1018 – the

decoding time is being controlled); and a reproducer for reproducing the moving image by the decoded still images produced (Fig. 2 – display processor (202) and monitor (204)). Walsh et al. fails to explicitly disclose a multiplexer for producing decoded still images for one frame by multiplexing with each other a plurality of decoded image components decoded by the decoder. However, Walsh et al. does disclose a display processor (202) that receives the decoded data and processes the decoded data before displaying the data. Official notice is taken that it is well known in the art that in order to display an image the decoded bands need to be processed and part of processing the decoded bands is to multiplex the decoded bands in order to form an image suitable for display. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a multiplexer as part of the display processor in order to reconstruct the image thereby making it suitable for display. Furthermore, Walsh et al. still fails to disclose a decoder which decodes the plurality of the encoded image components received by the receiver in the high image quality mode; a determiner for determining whether or not a decoding process of the encoded image components for one frame in the high quality image mode is completed by said decoder when the plurality of encoded image components equal to the compressed still images for a next frame are received by said receiver; and a setter which sets said decoder to the low image quality mode when said determiner determines that the decoding process has not been completed.

Referring to the Itokawa reference, Itokawa discloses a moving image reproducing apparatus that reproduces in a high image quality mode or a low image quality mode a moving image constituted by frame-sequential compressed still images, each of the compressed still images including a plurality of encoded image components formed by encoding the compressed still image for each frequency component, comprising: a decoder which decodes the plurality of the encoded image components received by the receiver in the high image quality mode; a determiner for determining whether or not a decoding process of the encoded image components for one frame in the high quality image mode is completed by said decoder when the plurality of encoded image components equal to the compressed still images for a next frame are received by said receiver (Fig. 2 - step S204; col. 10, lines 22-63 – maximum decoding time for each frame is based on the time till the reception of next frame; col. 11, lines 16-26); a setter which sets said decoder to the low image quality mode when said determiner determines that the decoding process has not been completed (Fig. 2; col. 10, lines 22-63; col. 11, lines 16-26 – a lower quality image is displayed when there is not enough time to fully decode the whole image meaning that the higher frequency components are left undecoded), and a reproducer to reproduce the moving image (Fig. 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have changed the decoding rate based upon the time it takes to decode an image as disclosed by Itokawa in the reproducing

apparatus disclosed by Walsh et al. in order to eliminate visual flaws between frames.

Regarding claim **17**, this is a method claim corresponding to the apparatus claim 16. Therefore, claim 17 is analyzed and rejected as previously discussed with respect to claim 16.

4. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh et al. in view of Itokawa as applied to claims 17 above, and further in view of Vetro et al. (U.S. Patent 6,519,288).

Regarding claim **18**, Walsh et al. in view of Itokawa discloses all the limitations as previously discussed with respect to claim 17, but fails to disclose that when the decoder is set to the low image quality mode, said low image quality mode is maintained until said high image quality mode is set by setting said decoder in the high image quality mode again. .

Referring to the Vetro et al. reference, Vetro et al. discloses a decoder that includes a mode setter that fixes the reproduction of the plurality of encoded image components received by said receiver in a high image quality mode or a low image quality mode; and said controller controls said decoding amount in an amount based on the mode fixed by the mode setter (col. 8, line 35 – col. 9, line 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the controller cancel a limitation of the decoding amount when a specific mode is manually selected by the user as

disclosed by Vetro et al. combined with the reproducing apparatus disclosed by Walsh et al. in view of Itokawa in order to allow the user more control over the quality of the image they are viewing.

Regarding claim **19**, Walsh et al. in view of Itokawa in view of Vetro discloses all the limitations as previously discussed with respect to claims 17 and 18, including further comprising a step of determining whether or not a high image quality fixing mode is selected when it is determined that the decoding process has not been completed in said step of determining whether or not the decoding process is completed, wherein said low image quality mode is set by setting said decoder to the low image quality mode when it is determined that the decoding process has not been completed in said step of determining whether or not the decoding process is completed and it is determined that the high image quality fixing mode is not selected (Itokawa: Fig. 2; col. 10, lines 22-63; col. 11, lines 16-26 – a lower quality image is displayed when there is not enough time to fully decode the whole image meaning that the higher frequency components are left undecoded; Vetro: col. 8, line 35 – col. 9, line 2). Furthermore, once Vetro is combined with Walsh et al. in view of Itokawa and the idea of the setter being fixed is introduced then that would imply the other aspect of having to check to see if the setter is in the fixed mode as well.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HEATHER R. JONES whose telephone number is (571)272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Heather R Jones  
Examiner  
Art Unit 2621

HRJ  
January 2, 2010

/Thai Tran/  
Supervisory Patent Examiner, Art Unit 2621